

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 DOE-15 ACDA-12 CIAE-00 DODE-00
PM-05 INR-10 L-03 NSAE-00 NASA-02 NSC-05 SOE-02
SS-15 OES-07 AF-10 ARA-14 EA-12 EUR-12 NEA-10
NRC-07 H-02 PA-02 SP-02 USIA-15 /177 W
-----110237 232223Z /64

R 232118Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 7648
INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A
TAGS: TSPA, UN, UR
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE

1. SUMMARY. SEVENTH DAY OF LSC DEVOTED TO CONTINUATION OF GENERAL DEBATE AND WORKING GROUP DISCUSSION ON DBS. IN GENERAL DEBATE, OF SEVEN DELS MAKING STATEMENTS, KENYA, ARGENTINA, COLOMBIA, AND SOVIETS SPOKE ON NUCLEAR POWER SOURCES IN SPACE. BULGARIA, JAPAN, AND HUNGARY ALSO DELIVERED STATEMENTS. WORKING GROUP ON DBS BEGAN DISCUSSION OF BRACKETED PARAGRAPHS 1-3. NO SIGNIFICANT PROGRESS WAS MADE IN THIS REGARD.

2. KENYAN DEL NOTED DANGER OF NUCLEAR POWER SOURCES IN GEOSTATIONARY ORBIT AND SUPPORTED THE DRAWING UP OF AN ADDITIONAL INSTRUMENT TO GOVERN SUCH POWER SOURCES IN SPACE. ON MOON TREATY SUPPORTED INCLUSION OF COMMON HERITAGE PRINCIPLE. ON DBS STATED FREE FLOW OF INFORMATION IS NOT AN ABSOLUTE RIGHT AND CONSENT OF RECEIVING STATE MUST BE SOUGHT AND OBTAINED. ON REMOTE SENSING STRESSED THE NEED OF AN ARRANGEMENT WITH THE SENSED STATE.
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REGARDING GEOSTATIONARY ORBIT SUPPORTED SOVEREIGN RIGHT OF EQUATORIAL STATES TO CLAIM IT.

3. ARGENTINEAN DEL STATED THERE WAS A NEED TO DISCUSS NUCLEAR POWER SOURCES AND DEVELOPMENT OF SOLAR ENERGY WHICH SHOULD BE A SEPARATE AGENDA ITEM. ON DBS STRESSED NONINTERVENTION IN INTERNAL AFFAIRS OF STATES WHICH RE-

QUIRE AGREEMENT OF RECEIVING STATE TO BROADCASTS. EMPHASIZED RIGHT AND DUTY OF STATES TO CONSULT. ON REMOTE SENSING AGREED WITH PRINCIPLE ENUNCIATED BY MONGOLIA IN 1976 THAT OBSERVED STATE HAS RIGHT TO ALL DATA ABOUT IT AND THE DATA SHOULD NOT BE DISSEMINATED WITHOUT CONSENT OF OBSERVED STATE. ON MOON TREATY SUPPORTED COMMON HERITAGE PRINCIPLE. CONCERNING DEFINITION AND/OR DELIMITATION ARGUED FOR LEGAL AND TECHNICAL DEFINITION. STRESSED GEOSTATIONARY ORBIT WAS A LIMITED RESOURCE AND ITS USE SHOULD BE GOVERNED BY SPECIAL INTERNATIONAL REGIME.

4. COLOMBIAN DEL WAS CONCERNED ABOUT NUCLEAR POWER SOURCES IN SPACE, STATING THAT SAFEGUARDS AND COMMITMENTS TO SAFETY FROM SPACE POWERS MUST BE SOUGHT. SUPPORTED CANADIAN SUGGESTIONS. ON MOON TREATY SUPPORTED COMMON HERITAGE PRINCIPLE AS A MATTER OF INTERNATIONAL EQUITY. EXPLAINED EQUITY IN TERMS OF A NEW INTERNATIONAL ORDER MEANS DISTRIBUTION TO REDUCE THE GAP BETWEEN DEVELOPED AND DEVELOPING COUNTRIES, I.E., A DISTRIBUTION THAT TAKES INTO ACCOUNT ECONOMIC DIFFERENCES. PROPOSED THAT THE CONCEPT OF COMMON HERITAGE BE EXTENDED TO OTHER PLANETS. FURTHER STATED THAT COMMON HERITAGE IS THE WEAPON OF THE WEAK COUNTRIES, AND THEY CANNOT STRAY FROM THE CONCEPT IN ANY NEGOTIATIONS WHETHER SPACE, SEA OR EARTH RELATED. ON DBS WHILE STATING BELIEF IN FREEDOM OF INFORMATION, STRESSED NEED FOR PRIOR AND EXPRESS CONSENT OF RECEIVING STATE. UNCLASSIFIED

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ON REMOTE SENSING SUPPORTED RIGHT OF SENSED STATE TO INFORMATION ABOUT IT AND THAT DISSEMINATION OF INFORMATION REQUIRED CONSENT OF SENSED STATE. SPOKE AT LENGTH ON GEOSTATIONARY ORBIT, EMPHASIZING SOVEREIGN RIGHTS OF EQUATORIAL STATES TO THIS ORBIT SINCE THERE IS NO LEGAL OR TECHNICAL PROOF TO THE CONTRARY. REFERENCED THE BOGOTA DECLARATION AND STATED NO OBJECTION TO FREE PASSAGE THROUGH ORBIT.

5. SOVIET DEL MAIORSKI NOTED THAT A NUMBER OF DELS HAVE TOUCHED ON USE OF NUCLEAR POWER SOURCES IN SPACE, WHICH IS NOT AN AGENDA ITEM. DEPLORED INFLUENCE OF MASS MEDIA IN THIS AREA. STATED THAT USE OF NUCLEAR POWER SOURCES IS ONE OF MOST PROMISING TRENDS FOR ENHANCING HUMAN PROGRESS IN SPACE AND THAT NUCLEAR ENERGY IN SPACE IS A HIGHLY PROMISING SOURCE OF ENERGY. STRESSED THAT ADEQUATE SAFETY MEASURES ARE BEING TAKEN AND THAT CONTEMPORARY SPACE LAW ALREADY CONTAINS NECESSARY PROVISIONS FOR REGULATING RELATIONS BETWEEN STATES IN CASES WHERE NUCLEAR POWERED SATELLITE SHOULD ENTER ATMOSPHERE OF ANOTHER STATE'S TERRITORY.

6. BULGARIAN DEL SUPPORTED PRIOR CONSENT IN DBS, CONSENT OF SENSED STATE TO DISSEMINATE INFORMATION ABOUT IT IN REMOTE SENSING, AND USE OF PHRASE, "OBJECT OF COMMON USE OF ALL STATES," IN MOON TREATY. STATED GEOSTATIONARY ORBIT WAS PART OF OUTER SPACE, NOT SUBJECT TO NATIONAL APPROPRIATION. HUNGARIAN DEL NOTED THERE APPEARS TO BE A POSSIBILITY OF REACHING AGREEMENT ON MOON TREATY, SUPPORTED PRIOR CONSULTATIONS AND AGREEMENT IN DBS & STRESSED RIGHT OF STATES OVER THEIR RESOURCES IN REMOTE SENSING.

7. JAPANESE DEL ON DBS SUPPORTED FULL CONSULTATION BETWEEN BROADCASTING AND RECEIVING STATES IN ACCORDANCE WITH THE PRINCIPLE ON "PURPOSES AND OBJECTIVES" ALREADY AGREED UPON. REJECTED INCLUSION OF SPILL OVER AS A

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SS-15 OES-07 AF-10 ARA-14 EA-12 EUR-12 NEA-10
NRC-07 H-02 PA-02 SP-02 USIA-15 /177 W
-----110281 232220Z /64

R 232118Z MAR 78
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SUBJECT OF CONSULTATION. ON LEGAL DEFINITION OF OUTER SPACE, SUPPORTED CONTINUED DEFINING OF THE SCOPE OF APPLICATION ADAPTED TO VARIOUS USES OF OUTER SPACE COVERED BY INTERNATIONAL LEGAL INSTRUMENTS. STRESSED INADVISABILITY OF TRYING TO DEFINE OUTER SPACE ITSELF. ON QUESTION OF GEOSTATIONARY ORBIT, SUPPORTED VIEW THAT SUCH ORBIT BELONGS TO OUTER SPACE.

8. THE MINIWORKING GROUP ON DBS MET IN AN INFORMAL SESSION IN AN ATTEMPT TO AGREE ON EXACT WORDING OF PARA 1-3, ANNEX V, 1977 REPORT OF THE OUTER SPACE COMMITTEE. THE US REPRESENTATIVE DECLARED THAT PARA 1 IS UNACCEPTABLE TO THE US, THAT TECHNICALLY SUCH ARRANGEMENTS ARE ALREADY COVERED BY THE ITU TREATIES AND THAT THE PRINCIPLES ESSENTIALLY REPRESENT "PRIOR CONSENT" WHICH THE US CANNOT ACCEPT. US REP FURTHER STATED THAT PARA 2 IS

ACCEPTABLE AND PARA 3 WITH APPROPRIATE CHANGES. THE JAPANESE DEL IN PARALLEL INDICATED DIFFICULTY WITH PARA 1 AND THAT THE JAPANESE GOVERNMENT IS WILLING TO ACCEPT "CONSULTATIONS" AT MOST IF MADE IN SPIRIT OF COOPERATION. THE USSR ARGUED THAT PARA 1 AND 2 FORM PART OF A WHOLE CONCEPT AND IF PARA 1 IS TO BE DELETED THAT THEY COULD NOT ACCEPT DELETION OF THE BRACKETS FROM PARA 2 AND THAT

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ONCE "PRIOR CONSENT" IS GIVEN BY WHATEVER MECHANISM THE REST WILL DEPEND UPON GOOD WILL OF STATES. THE NIGERIAN, CHILEAN, MEXICAN, BRAZILIAN AND ECUADORIAN DELS INSISTED THAT THE TERM "AGREEMENT" HAS TO REMAIN AS PART OF PARA 1. MEXICO IN PARTICULAR ARGUED THAT EVEN THOUGH PRESENT ITU REGULATIONS PROVIDE PROTECTION FROM UNWANTED BROADCASTS, THERE IS A NEED FOR ANOTHER INTERNATIONAL AGREEMENT ON A POLITICAL LEVEL. THIS WOULD PROVIDE FOR BOTH TECHNICAL AND POLITICAL SAFEGUARDS. DELS OF SIMILAR VIEWS CHIMED IN IN SUPPORT OF THE MEXICANS. THE WORKING GROUP WILL CONTINUE ITS MEETINGS. VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEBATES, COMMITTEE MEETINGS, SPACE EXPLORATION, SPACE AGREEMENTS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA04526
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780129-0205
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780333/aaaabbta.tel
Line Count: 194
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e1391fbf-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3228756
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL SUBCOMMITTEE
TAGS: TSPA, UR, UN
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/e1391fbf-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014